

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: H1/19/21

A Bill

HOUSE BILL 1024

5 By: Representative Watson
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For An Act To Be Entitled

8 AN ACT CONCERNING THREATS OR STATEMENTS THAT A PERSON
9 INTENDS TO USE A CONTROLLED SUBSTANCE WHILE PREGNANT
10 OR INTRODUCE A CONTROLLED SUBSTANCE INTO THE BODY OF
11 A PREGNANT WOMAN; CONCERNING THE INTRODUCTION OF A
12 CONTROLLED SUBSTANCE INTO THE BODY OF A PREGNANT
13 WOMAN; AND FOR OTHER PURPOSES.
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Subtitle

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16 CONCERNING THE THREAT OF OR ACTUAL
17 INTRODUCTION OF A CONTROLLED SUBSTANCE
18 INTO THE BODY OF A PREGNANT WOMAN.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 5-1-102(13)(B)(i)(a), concerning the
25 definition of "person" and its application in the Arkansas Criminal Code, is
26 amended to read as follows:

27 (B)(i)(a) As used in §§ 5-10-101 – 5-10-105 and 5-13-210,
28 "person" also includes an unborn child in utero at any stage of development.
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30 SECTION 2. Arkansas Code Title 5, Chapter 13, Subchapter 2, is amended
31 to add an additional section to read as follows:

32 5-13-212. Threatening to introduce controlled substance into body of
33 pregnant woman.

34 (a) A person commits the offense of threatening to introduce a
35 controlled substance into body of pregnant woman if the person knowingly:

36 (1) Is pregnant and makes a statement to another person that a



1 reasonable person would have cause to believe is true that she has a purpose
2 to introduce a Schedule I or Schedule II controlled substance as defined by
3 the Uniform Controlled Substances Act, § 5-64-101 et seq., into her own body;
4 or

5 (2) Makes a statement to another person that a reasonable person
6 would have cause to believe is true that he or she has a purpose to introduce
7 a Schedule I or Schedule II controlled substance as defined by the Uniform
8 Controlled Substances Act, § 5-64-101 et seq., into the body of another
9 person whom the person knows is pregnant.

10 (b) Threatening to introduce a controlled substance into the body of a
11 pregnant woman is a Class A misdemeanor.

12 (c) A law enforcement officer who has probable cause to believe that a
13 person has committed an offense under subdivision (a)(1) of this section may
14 take the person into custody and shall not release the person before his or
15 her first court appearance unless the law enforcement officer believes that
16 the person is no longer able to introduce a Schedule I or Schedule II
17 controlled substance as defined by the Uniform Controlled Substances Act, §
18 5-64-101 et seq., into her own body.

19 (d) It is an exception to this offense that the controlled substance
20 was ordered for the person receiving the Schedule I or Schedule II controlled
21 substance by a practitioner licensed by the state to prescribe controlled
22 substances in the schedule involved for a legitimate medical purpose.

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24 /s/Watson
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